

UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO
ALBUQUERQUE DIVISION

DEREK A. BENNETT,)	
)	
Plaintiff,)	
)	
vs.)	Civ. Act. No.: 1:21-cv-00939-SMV
KILOLO KIJAKAZI,)	
Acting Commissioner of Social Security,)	
)	
Defendant.)	

ORDER

Comes now Plaintiff, by counsel, having filed the Motion for an award of attorney fees to be paid by the defendant pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d) (at Dkt. 27); AND Defendant, by counsel, having noted her lack of objection to Plaintiff's motion (at Dkt. 28); AND THE COURT, having been duly advised in the premises and having examined said Motion, now finds that the same should be granted.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that Plaintiff be Awarded \$2,460.15 in attorney fees under the Equal Access to Justice Act (EAJA), 28 U.S.C. 2412(d), and \$402.00 in filing fee costs payable from the Judgment Fund administered by the U.S. Department of the Treasury.

This award of attorney fees will satisfy all claims under EAJA. If Plaintiff's Counsel ultimately receives an award of attorney fees pursuant to 42 U.S.C. § 406(b), he must refund the smaller award to Plaintiff pursuant to *Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir. 1986).

ALL OF WHICH IS ORDERED, ADJUDGED AND DECREED by the

Court this 31st day of August, 2022.

JUDGE

This order was stipulated to and agreed upon by Counsel for Plaintiff and Defendant via e-mail exchange and electronically signed on 08/31/2022:

/s/ Matthew F. Richter

Matthew F. Richter, #34167-49
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/s/ Laura H. Holland

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Distribution to all registered counsel of record via CM/ECF.